

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEW HAMPSHIRE**  
55 PLEASANT STREET, ROOM 110  
CONCORD, NEW HAMPSHIRE 03301-3941

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November 22, 2013

Brian E. Mahoney #122232-049  
FMC Devens, P.O. Box 879  
Ayer, MA 01432

Dear Mr. Mahoney:

This letter responds to your letter dated November 6, 2013, enclosing a Petition for Writ of Mandamus/Prohibition and related Motion to Proceed In Forma Pauperis, and requesting various documents pursuant to the Freedom of Information Act.

Upon further review of your letter and enclosed documents, it appears that you sent us a copy of the Petition and related Motion for information purposes only, and that you actually filed those documents with the First Circuit Court of Appeals. As such, it does not appear that you intended to file those documents with this court for the purposes of commencing a separate legal action here. Accordingly, you may disregard the notice that this court sent to you regarding your forma pauperis motion.

The balance of your letter involves requests that you are making pursuant to the Freedom of Information Act. Please be advised that requests for court documents are not subject to the Freedom of Information Act. See 5 U.S.C. §§ 551(a)(B), 552(f). For your information, however, you may obtain copies of public documents maintained by the court subject to a prepaid fee of \$.50 per page. To obtain such public documents, you should identify the specific document you seek and make payment in the form of a certified bank check or money order made payable to the Clerk of Court. If you do not know how many pages the document that you seek involves you may request that information from the court before tendering payment.

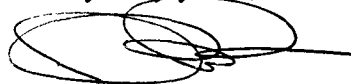
Please note a few things, however, regarding the specific requests in your letter. First, your request for court orders related to any requirements that you register as a "sex offender," would appear to be a matter of discovery in your underlying criminal case. The court does not maintain discovery in criminal cases. Rather, that is information likely maintained by the prosecuting authority and/or your defense counsel.

Second, information about grand jury matters generally is not subject to disclosure. See Fed. R. Crim. P. 6. Further, to the extent that the court maintains some of the information you identified in your letter, pursuant to the court's Plan for the Random Selection of Grand and Petit Jurors, the court is prohibited from disclosing such information except by court order made upon a formal motion or as permitted by 28 U.S.C. §§ 1867 and 1868. See United States District Court

for the District of New Hampshire, Plan for the Random Selection of Grand and Petit Jurors, § XIII. Your request does not appear to permit disclosure under 28 U.S.C. §§ 1867 and 1868 absent a court order. Accordingly, to the extent the court maintains the information you request, the court cannot provide it to you.

Finally, regarding your request for “copies of all vouchers submitted in your case to the Treasury Department for payments pursuant to the Criminal Justice Act,” the only publically available information regarding such voucher payments is limited to two CJA 20 Appointment of and Authority to Pay Court Appointed Counsel forms one entered by the court in August 2012 and the other in April 2013. Courtesy copies of those two documents are enclosed.

Very truly yours,

A handwritten signature in black ink, consisting of several loops and a trailing line, representing Pamela E. Phelan.

Pamela E. Phelan  
Operations Manager

Enclosures